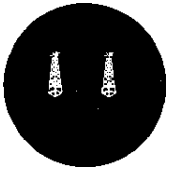
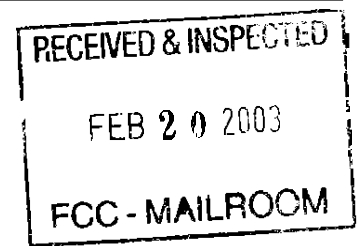


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January 29, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: TRIENNIAL REVIEW PROCEEDING, CC DOCKETNOS. 01-338; 96-98; 98-147

Dear Ms. Dortch:

The Puerto Rico Telecommunications Regulatory Board ("Board") supports the Federal Communications Commission ("FCC") in its current efforts to develop meaningful and pro-competitive rules in its Triennial Review proceeding. The Board appreciates the difficulties faced by the FCC in reaching closure on this important proceeding.

The telecommunications market in Puerto Rico has developed from a set of historical, cultural, technical, and political dimensions that are perhaps unique within the United States. Prior to 1996, a state-controlled monopoly dominated the market in Puerto Rico. The Puerto Rican Legislature only recently created the Board, in 1996, at the same time it privatized the incumbent local telephone company. Since its creation, the Board has worked to promote a transition from a market dominated by a state-controlled monopoly (and characterized by a level and quality of service less than experienced in much of the mainland), to a free market. This process has been difficult; but the Board has made significant progress. Nevertheless, competition in the local telephone market in Puerto Rico has been slow to develop, and robust, facilities-based competition has yet to take root. And, we still aim to improve the level of services to all businesses and residents in Puerto Rico, a goal we think will be well served by allowing competition to flourish.


The Board believes that competition in Puerto Rico would be adversely affected if the FCC adopts a national rule in the Triennial Review proceeding that does not make allowances for the unique market characteristics found here. Although the conditions in Puerto Rico are unique, the FCC has not focused its attention or resources on developing policies and rules to address them. Perhaps this is because the FCC has focused in enacting rules of general application to the whole Nation. However, this focus on the quality of telecommunications

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services generally and the state of competition in Puerto Rico is one of the Board's primary focuses. And, it is critical that the FCC does enact **rules** which take into account the uniqueness of the Puerto Rico market and failure to do so would have the effect of leaving Puerto Rico behind in enjoying the benefits of the blossoming evolution in telecommunications, technology, and the emergence of the broadband era.

The Board, therefore, urges the FCC to enact rules in the Triennial Review proceeding that would differentiate or recognize that Puerto Rico is not like any other US market. Specifically, the FCC should carve Puerto Rico out from any national rule, and, preserve the Board's discretion to determine UNE availability based upon local conditions. In this regard, the Board fully supports the position that state flexibility to maintain UNE-P as well as the ability to add to any national UNE list is critical to keeping competition on track. In the event the FCC determines that it must implement a broad, pre-emptive rule, it must exempt markets such as **Puerto Rico** where the conditions are not yet ripe for robust, facilities-based competition.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Phoebe Forsythe Isales".

Phoebe Forsythe Isales
President

cc: Honorable FCC Commissioners:
Michael Powell, Chairman
Kevin Martin
Kathleen Abemathy
Michael J. Copps
Jonathan Adelstein



The FCC Acknowledges Receipt of Comments From ...

Phoebe Forsythe Isales

...and Thank You for Your Comments

Your Confirmation Number is: '200326752326 '

Date Received: Feb 6 2003

Docket: 01-338

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